

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION  
OFFICE OF RESEARCH, PLANNING, AND PERFORMANCE  
MAY 19, 2020**

**ITEM 4**

**SUBJECT**

CONSIDERATION OF A PROPOSED RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO ENTER INTO AND AMEND INTERAGENCY AGREEMENTS AND CONTRACTS FOR MANDATED SCIENTIFIC PEER REVIEW AND OTHER EXPERT REVIEW

**DISCUSSION**

State law (Health and Safety Code section 57004, 115365, et al.) sets minimum requirements for external scientific peer review for science-based rules, or rules with scientific components proposed by the boards, departments, and office of the California Environmental Protection Agency (CalEPA). The law further specifies that CalEPA, or a board, department, or office within CalEPA, must enter into an agreement with the National Academy of Sciences, the University of California, the California State University, or any similar scientific institution of higher learning to conduct these external scientific peer reviews.

In addition to these statutorily required peer reviews, the CalEPA boards, departments, and office may seek peer review of the scientific/economic basis and scientific/economic portions of other work products.

CalEPA and its boards, departments, and office, including the State Water Resources Control Board (State Water Board), are currently under contract with the University of California, Berkeley for these services; the term of that contract ends June 30, 2021. CalEPA and its boards, departments, and office are proposing to enter into another five-year contract with the National Academy of Sciences, the University of California, the California State University, or any similar scientific institution of higher learning to ensure the mandated scientific peer reviews are performed in a manner consistent with state law.

**POLICY ISSUE**

Should the State Water Board authorize the Executive Director or Designee to enter into interagency agreements and contracts, not to exceed a five (5) year term period to provide for mandated scientific peer review of science-based rules and other expert review?

**FISCAL IMPACT**

The costs to the Water Boards of the proposed five year agreement will be up to \$1,500,000, generally consistent with those in previous peer review agreements, and will be determined by the Executive Director or Designee during the final contract preparation period, and before the contract is executed by the CalEPA boards, departments, and office.

**REGIONAL BOARD IMPACT**

Yes, this will assist all Regional Water Boards whose work may require or benefit from external scientific peer review.

**STAFF RECOMMENDATION**

The State Water Board should approve this resolution.